

DECISION

SUBJECT: Publication of the First Part of the Licensing Regulation “Electricity Supply and Trading License”, according to article 135 of Law 4001/2011 (Govt. Gazette A’179).

THE DEPUTY MINISTER OF ENVIRONMENT ENERGY AND CLIMATE CHANGE

Having taken into consideration:

1. The provisions of article 90 of the “Legislative Code for the Government and the Governmental Bodies”, which was ratified by the first article of the Presidential Decree (PD) 63/2005 “Codification of Legislation for the Government and the Governmental Bodies” (Govt. Gazette A; 98/22.4.2005)
2. The PD 381/1989 “Organization of the Ministry of Industry, Energy and Technology (Govt. Gazette A’ 168/16.6.1989), as amended by PD 191/1996 (Govt. Gazette A’54/10.07.1996), PD 134/2005 (Govt. Gazette A’ 93/02.08.2005), PD 54/2006 (Govt. Gazette A’ 58/17.03.2006), as well as PD 27/1996 “Merger of Ministries of Tourism, Industry, Energy and Technology and Commerce into the Ministry of Development” (Govt. Gazette A’ 19/01.02.1996), as amended by PD 122/2004 “Reconstitution of the Ministry of Tourism” (Govt. Gazette A’ 85/17.03.2004), as well as PD 185/2009 “Reconstitution of the Ministry of Finance, merger of the Ministries of Economy and Finance with the Ministries of Development and Commercial Shipping, Aegean and Insular Policy and its renaming to “Ministry of Economy, Competitiveness and Shipping”, conversion of the Ministry of Macedonia – Thrace to General Secretariat of Macedonia – Thrace and subordination to the Ministry of Interior of the General Secretariat of Macedonia – Thrace and the General Secretariat of Aegean and Insular Policy” (Govt. Gazette A’ 213/07.10.2009), the PD 189/2009 “Determination and redistribution of Ministries’ competences” (Govt. Gazette A’221/05.11.2009) and PD 24/2010 “Redetermination of Ministries’ jurisdictions and amendments of PD 189/2009” (Govt. Gazette A’ 56/15.04.2010)
3. The PD 86/2012 “Appointment of Ministers, Substitute Ministers and Deputy Ministers” (Govt. Gazette A’141/21.06.2012)
4. The Decision No 34240/6.7.2012 of the Prime Minister and the Minister of Environment, Energy and Climate Change, regarding the jurisdiction allocation of the Deputy Minister of Environment, Energy and Climate Change Mr. Asimakis Papageorgiou (Govt. Gazette B’2101/9.7.2012), as amended by same decision No 15378/19.7/2012 (Govt. Gazette B’ 2166/19.7.2012),
5. The provisions of Law 4001/2011 “For the operation of Energy Markets of Electricity and Natural Gas, for Research, Production and Hydrocarbon transport networks and other regulations” (Govt. Gazette A’ 179/22.08.2011), and especially articles 13, 134 and 135,

6. The provisions and annexes of the Minister of Development's Decision (protocol No Δ5/Φ1/οικ.17951/08.12.2000), "License Regulation for the production and supply of electrical energy (Publication 1)", (Govt. Gazette B' 1498/08.12.2000), which according to the interim provision of para.14, article 196, Law 4001/2011 is still in effect until the publication of the new License Regulation, which is provided for in the article 135 of said Law,
7. The Public Deliberation of 14.12.2011, as well as the proposals and suggestions submitted therein,
8. The provisions of Law 2690/1999 "Administrative Procedure Code", Govt. Gazette A' 45, as effected,
9. The Regulatory Authority of Energy's Opinion No 6/2012, which was forwarded by said Authority's document No 0-52516/13.09.2012,
10. The fact that the National Budget is not burdened from the present decision.

WE DECIDE

We publish the first Part of the Licenses Regulation which pertains to the issuing of Licenses for the Supply and Trading of Electricity, by virtue of article 135 of Law 4001/2011 (Govt. Gazette A' 179), as follows:

LICENSES REGULATION – Part A' LICENSE FOR THE SUPPLY AND TRADING OF ELECTRICITY

CHAPTER A'

GENERAL PROVISIONS

Article 1

Application Scope

The present constitutes the Licenses Regulation for the Supply and Trading of Electricity and conditions the granting, amendment and revocation of the Supply License and the Trading License of Electricity (hereafter Licenses).

Article 2

Definitions

1. The terms referred to in the present decision have the meaning assigned to them under the Law 4001/2011.
2. In particular, for the application of the present Regulation, the definitions used in its provisions, have the following meaning:
 - a. "Law", the law 4001/2011, as it stands.

- b. “Electricity Supply License”, the license granted for the sale of electric energy to final customers.
- c. “Electricity Trading License”, the license granted for the conduct of transactions in the electricity market, exclusively through international connections of the country’s electrical systems with the electrical systems of neighboring countries.

CHAPTER B

SUBMISSION OF APPLICATIONS FOR THE ISSUANCE OF SUPPLY AND TRADING LICENSE

Article 3

Right and conditions for submitting an application for the issuance of a Supply and Trading License

1. Societes Anonymes (S.A.) and Limited Liability Companies are entitled to submit an application for the issuance of a Supply license, under prejudice of article 18, if during the time of the submission of the application, they possess the corporate capital defined in case (a) of para.2 of article 134 of Law 4001/2011, and: a) they are duly constituted and have their seat in a member state of the European Union, the European Economic Area and the Energy Community or in third countries if such right is derived from a bilateral agreement between the third country and Greece or the European Union; or (b) have established a branch in Greece.
2. Societes Anonymes (S.A.) and Limited Liability Companies are entitled to submit an application for the issuance of a Trading license, under prejudice of article 18, if during the time of the submission of the application, they possess the corporate capital defined in case (a) of para.2 of article 134 of Law 4001/2011, and: a) they are duly constituted and have their seat in a member state of the European Union, the European Economic Area and the Energy Community or in third countries if such right is derived from a bilateral agreement between the third country and Greece or the European Union; or (b) have established a branch in Greece.
3. The Supply License holder can also be involved in the Trading activity of electricity, without a Trading License for this activity being necessary.

Article 4

Submission of Applications for a Supply and Trading License

1. The applications of paras.1 and 2 of article 3 are submitted to RAE, at any time, in writing and electronic form (CD), according to the format defined in Annexes 1, 2 and 3, depending on the necessary activity, as well as the application template published on RAE's website (http://www.rae.gr/site/en_US/categories_new/electricity/licence/supply (or trade), and are accompanied by all documentation and data as described in the relevant Annexes, and by the receipt of payment of the corresponding fees.
2. The applications are registered in a special Supply and Trading Applications' Register maintained by RAE.
3. If the application is not accompanied by the documentation and data that, according to RAE's judgment are deemed necessary for the evaluation of the application, it is rejected as unacceptable.

Article 5

Provision of additional documents

1. RAE is entitled to ask the applicant to submit additional documents or clarifications concerning the documentation submitted, which it deems necessary for the evaluation of the application, setting a time frame for their submission. If this time frame is not met, the application is considered incomplete and is rejected.
2. The fee paid is not refundable, with the exception of an applicant withdrawing his application within fifteen (15) days of its submission.

Article 6

Publication of Applications

1. Within fifteen (15) days of submitting the application, RAE publishes on its website a summary of the application's content, which includes at least the following:
 - a) The name of the applicant legal entity,
 - b) The type of license applied for (Supply or Trading license),
 - c) The requested power,

- d) Every other information or data that the Authority deems necessary to publish.
2. The publication of para.1 includes a special reference to the possibility of submitting justified objections, according to article 7.

Article 7

Objections

1. Within fifteen (15) days of the day following the application's publication provided for in article 6, whoever has a legitimate interest can submit to RAE objections in reference to the submitted application.
2. The submitted objections are accompanied by documents and data that are necessary for their justification. Objections submitted late, or from persons who do not have a legitimate interest, or do not include the necessary documents, are rejected as unacceptable.
3. RAE informs in writing the applicant of the objections submitted against his application. The applicant can submit his opinion on these objections within fifteen (15) days from being notified.

CHAPTER C

APPLICATIONS' EVALUATION PROCEDURE

Article 8

Applications' Evaluation

1. After the time frame for submitting objections has lapsed, RAE evaluates the application for the issuance of the license, taking into consideration the following: a) all documentation and data submitted by the applicant, b) all submitted objections, as well as the applicant's opinions regarding these objections and c) all relevant data or information considered necessary for the application's evaluation.
2. Upon evaluating the application, RAE takes into consideration the conditions for submitting an application, according to the provisions of article 3, as well as the following:
 - a) The organizational and administrative structure of the applicant legal entity, which must be suitable for ensuring the reliable, wise and prudent exercising of the activity applied for, which results from the documentation submitted according to Annexes 1, 2 and 3.
 - b) The necessary financial viability and solvency of the applicant legal entity, which is proved by the data of the submitted application according to Annexes 1, 2 and 3.
3. The legal entities' participation must be governed by the principles of transparency.

4. If one of the above criteria or conditions is not met, the application is rejected.
5. Upon evaluating the application, RAE is entitled to, if deemed necessary:
 - a) Request the submission of data or clarifications, according to article 5.
 - b) Collaborate with the competent Operators, for matters of their competency.
 - c) Collaborate with the competent authorities of the EU or of other countries, when the application submitted contains elements the evaluation of which requires collaboration with such authorities.

Article 9

Decision on the application

1. The decision for the issuance of the License or the rejection of the application, is published within three (3) months from the submission of the application, if the file is complete, or from the moment of its completion.
2. The decision for the issuance of the License or the rejection of the application is published on RAE's website and is notified to the Minister of Environment, Energy and Climate Change, as well as the competent Operators.
3. The License is issued for a period of up to twenty (20) years and its validity can be extended according to the provisions of article 11.
4. The License includes at least the following data:
 - a) The holder's information.
 - b) The type of the license.
 - c) The licensed power (MW).
 - d) The general terms of the License, according to the provisions of Annexes 4 and 5, as well as any other special term, additional obligation or limitation included in the License, according to article 10.
5. The License takes effect as of the date of its issue, except when a later effect date is specified.
6. The License is registered in a special License Register maintained by RAE.

Article 10

Terms and conditions to the exercise of rights provided with the License - Additional Obligations

The License includes the general terms of Annexes 4 and 5. The general terms consist the minimum terms of the License. The License may include special terms, additional obligations or limitations to the exercise of rights provided with it, if this is deemed necessary by RAE, especially with cases where the imposition of regulatory measures for the protection of competition and consumers is required.

Article 11

Extension of the Validity Period of the License

1. The validity period of the License is extended after a request by the license holder, which is submitted at least six (6) months before the end of the License's validity period. With the application he submits:
 - a) Statement by the applicant regarding the duration of the proposed extension, which may not exceed the original duration, as provided in para.3, article 9.
 - b) Submission of data referred to in Part 1 of Annexes 1, 2 or 3, depending on the activity referred to in the valid license.
 - c) Receipt of payment of the corresponding fee. The fee concerns the amount paid for the issuance of a new License, as provided for in article 4.
 - d) Affidavit by the applicant stating that:
 - aa) during the submission of an application for extension he exercises the activity for which he requests an extension.
 - bb) all criteria for the grant of the License according to the Law and the present Regulation are still being met.
 - cc) all obligations towards the competent Operators required by existing legislation are being met.
2. RAE decides on the extension of the validity period of the License within three (3) months of the application submission.

CHAPTER D

AMENDMENT AND REVOCATION OF LICENSES

Article 12

Amendment of the License

1. The License may be amended by decision of RAE, upon request of the holder or ex officio by RAE, if the data referred to in para.4 of article 9 are changed. In particular, the License may be amended if the requested amendment concerns a change in:
 - a) The legal form of the License holder.
 - b) The corporate composition of the License holder, without prejudice of case (e) of article 4.
 - c) The exercised activity (from Trading License to Supply License and vice versa).
 - d) The licensed power (MW).
2. In cases (a) and (b) the licensee must notify RAE within an exclusive time frame of fifteen (15) days from the realized change. In the case of a change in the control of the holder's company which falls under the procedure of pre-

merger control according to Law 3959/2011, the holder must submit to RAE a copy of the decision of the Competition Committee regarding the concentration being notified. If the above mentioned deadline is not met, RAE may enforce the administrative sanctions provided for by the law and the present Regulation.

3. The License's special terms may be amended ex officio by RAE, or upon request by the licensee, if there emerge special reasons regarding the License and if the interests of consumers, third parties or the provisions for the protection of free competition are not violated.

Article 13

Amendment Procedure

1. For the amendment of the license, the holder submits to RAE an application in which is detailed the requested change, along with the necessary documents and data which justify his request and the receipt of payment of the corresponding fee.
2. In case the change falls under cases (a) and (b) of para.1 of article 12, the holder must submit to RAE a request for his license's amendment, according to the present article, within fifteen (15) days from the realized change.
3. With every amendment request according to para.1, the holder also submits an affidavit stating that there are no other changes to the license's data and that all obligations and dues to the competent Operator have been met.
4. RAE may summon the Licensee in writing to submit, within a specified time frame, information and additional data. If this deadline is not met, the application is considered incomplete and RAE rejects the application.
5. RAE publishes a summary of the submitted amendment application on its website. Within fifteen (15) days of this publication, persons with a legitimate interest may submit justified objections. The submitted objections are accompanied by documentation and data necessary for their justification. Objections submitted beyond the specified time frame or by persons with no legitimate interest or are not accompanied by data necessary for their justification, are rejected as unacceptable.
6. RAE notifies in writing the applicant on the submitted objections against his application. The applicant may submit his opinion on said objections within a time frame of fifteen (15) days from having been notified.
7. RAE evaluates the amendment application according to the criteria of article 8, which evaluation is affected by the proposed change, taking into consideration any submitted objections, as well as any opinions by the applicant on these objections, and decides for or against the License's amendment within two (2) months from the submission of the application, provided the file is complete or from its completion.
8. RAE registers the amendment in the Amendments' Register.

Article 14

Notification obligation in case of a change to the License's data

1. The License holder must notify within fifteen (15) days from the realized change, submitting also the necessary documentation and data, changes concerning:
 - a) The legal entity's seat and communication details.
 - b) The legal entity's name, provided it is not followed by a change to the corporate composition.
 - c) The agent or legal representative of the legal entity.
 - d) Changes to the corporate composition of companies participating in the legal entity that holds the License.
 - e) Change to the Board of Directors or the company's Manager.
 - f) Change to the share / corporate capital, provided this change does not result in a change to the corporate composition.
2. The above changes do not result to an amendment of the License according to the procedure of article 13. The change is registered in the special Supply and Trading Licenses' Registers maintained by RAE.
3. In case the time frame of para.1 is not met, RAE may enforce the administrative sanctions provided by the Law and the present Regulation.
4. Especially for the changes falling under case (e), if after the notification of the change according to para.1 RAE considers that the License's amendment procedure must be followed, it notifies the License holder, who must follow the procedure described in article 13.
5. RAE may invite in writing the Licensee to submit, within a specified time frame, information and additional data concerning the notified change.

Article 15

Transfer of the License

1. The License may be transferred upon RAE's decision, after a holder's request. With the transfer of the License, the new holder accepts all resulting rights and obligations.
2. The License holder submits to RAE a transfer application, in which the legal entity which will hold the License is stated. With the holder's application, a statement of acceptance of the transfer by the legal entity which will receive the License must be submitted, as well as data mentioned in Annexes 1, 2 and 3, depending on the activity, and concern the new License holder. With the application, a receipt of payment of the corresponding fee must be submitted.
3. RAE may request in writing, within a specified time frame, from the License holder and the legal entity to which the License will be transferred, information and additional data which it deems necessary for the evaluation of the transfer application. If the specified time frame is not met, the application is considered incomplete and RAE rejects the application.
4. RAE publishes a summary of the submitted application on its website. Within fifteen (15) days of this publication, persons with a legitimate interest may

submit justified objections. The submitted objections are accompanied by documentation and data necessary for their justification. Objections submitted by persons with no legitimate interest or are not accompanied by data necessary for their justification, are rejected as unacceptable. RAE notifies the License holder and the legal entity to which the License will be transferred on the submitted objections, specifying a time frame for their response.

5. After the time frame for the submission of objections has lapsed, RAE evaluates the application according to the provisions and terms of article 8, as well as the provisions for the protection of free competition, and decides for or against the transfer application within three (3) months from the submission of the request.

Article 16

Revocation of the License

1. The License is revoked upon RAE's decision, in any case of breach of the Law, breach of regulatory acts issued by virtue of the Law, breach of the provisions of the present Regulation and the general and special terms of the License. The License is revoked, in particular, in the following cases:
 - a) If its issuance was based on erroneous and misleading data.
 - b) Due to cessation of the licensed activity or after ascertaining an objective inability to exercise said activity.
 - c) If a change is realized which results to some of the criteria and terms of articles 3 and 8 not being met.
 - d) In case of bankruptcy or dissolution, or revocation of the permit of incorporation of the legal entity-License holder.
 - e) If it is considered that the long-term guarantees for ensuring the availability of electricity production of sufficient power for infusion to Hellenic Electricity Transmission System (HETS) are not provided.
 - f) After a written request from the License holder, duly signed and accompanied by a decision of a competent body or legal representative.
2. With the exception of case (f), for the revocation of a License the provisions of applicable legislation re: the right of administrative hearing for the entity involved, apply.
3. The revocation of a License may be enforced together with administrative sanctions.

CHAPTER D

OBLIGATIONS OF THE LICENSE HOLDER

Article 17

Obligations of the License Holder

1. The License holder is obliged to:
 - a) Observe the legal and regulatory framework governing this activity, and in particular:
 - aa) The provisions of articles 48, 55, 56, 57, 134 and 141 of the Law.
 - bb) The Supply Code, which is published according to article 138 of the Law, the Transactions and Distribution Network Code and the and the Operation Code of Non Connected Islands' Electricity Systems .
 - cc) The special and general terms of his License.
 - b) Trade with his customers in a transparent and objective way and, during his transactions, without discrimination.
 - c) Keep separate accounts for the imposed costs for the provision of utility services he may be burdened with.
 - d) Submit to RAE at least once a year data concerning the monitoring of the Supply activity, which, among others, concern:
 - aa) customer satisfaction
 - bb) retail market structure
 - cc) retail electricity market outcomes
 - e) During exercising his activity, he must provide adequate long-term guarantees for ensuring the availability of electricity production of sufficient power for infusion to Hellenic Electricity Transmission System.
 - f) Notify RAE for any change which affects the company's control, as well as any change to the company's share composition, within a time frame of fifteen (15) days from the realized change, following the procedure of article 13.
 - g) Notify on any change to the company's share capital.
 - h) Meet all his obligations to the competent Operators.
2. Upon RAE's decision, which is published on its website, it is possible to request on behalf of the applicant the submission of additional data and documentation within a specified time frame.

Article 18

Exercising the Activity of Supply and Trading of Electricity by a legal entity that exercises the same activity in another EU Member State

1. To exercise the activity of Supply and Trading of Electricity by a legal entity which exercises the same activity in another EU Member State, the legal entity must:
 - a) Be a societies anonymes (S.A.) partnership or a limited liability partnership in the Member State where it exercises the relevant activity.

- b) Exercise the corresponding activity in the Member State for at least three (3) years.
 - c) Submit an application for the issuance of a License, accompanied by the documentation and data described in Annex 3.
 - d) Submit the License issued for this activity from the competent Authority of the Member State, which still stands.
2. After submitting the application, the procedure of articles 6 to 8 is followed.
 3. Upon evaluating the application for the issuance of the License, RAE considers the criteria of cases a) and b) of para.2 of article 8, as well as any other data it deems necessary. For the shaping of its judgment, it may collaborate with the competent authorities of the Member State where the corresponding License was issued, and request documentation and data which justify the exercising of the activity by the applicant legal entity, its solvency and credibility.
 4. The License is issued according to articles 9 and 10 and the general terms of the Supply or Trading License, provided in Annexes 4 and 5, depending on the licensed activity.
 5. The duration of the License cannot exceed the duration of the License issued for exercising this activity by the competent Authority of the Member State.

Article 19

Annexes

Attached and forming an integral part of the present Regulation, Annexes 1 to 5.

ANNEX 1

Application for the Issuance of an Electricity Supply License

Part 1 – Applicant’s Information

1. Company’s data: Name, Tax Number (VAT number) and Tax Bureau.
2. Address of the company’s seat and central offices.
3. Name and full mailing and e-mail address of the person whom the applicant designates as receiver or agent for the receipt only of the documents which are notified to the applicant within the license’s issuance procedure.
4. The published Govt.Gazette which states the company’s legal representation (designated Board on the date of the application’s submission, manager).
5. Information on the company’s shares’ ownership, which is required to be published according to the regulations of the Athens Stock Exchange.

Part 2 – Activity Data

6. Desired commencement date and duration of the license, which may not exceed 20 years.
7. Detailed information on any other license which the applicant company holds, or for which an application for issuance has been submitted or is being submitted, according to the provisions of laws 3468/2006 and 4001/2011, in Greece or in another EU Member State.
8. Detailed information on any other activity, excepting electricity activities, which the applicant exercises.

Part 3 – Documentation on financial viability and organizational structure

9. **A. If the applicant is a Limited Liability Company**
 - a. Manager's statement regarding the organizational and management structure of the applicant mentioning any affiliations with and / or participations in other companies or group of companies in Greece or abroad.
 - b. Copies of legitimizing documents with the shareholders’ data, including individuals, and the number or/and percentage of every shareholder’s shares (i.e. shareholders log, Chamber of Commerce certificate). In case the shareholder or shareholders are also legal entities, certificates of the Board’s composition, directors’ and their seats, which will be certified with an Apostille according to the Hague Convention (5.10.1961), or else must bear the foreign body’s signature, certified by a Greek Consulate Authority or the Greek Foreign Ministry.
 - c. Copies of the original consolidated Articles of Incorporation and any amendments thereof, certified by the competent Secretary of the Court of First Instance, who will certify the number and date of their registration to

- the Company Register, or correspondingly certified by the competent authority of the country of consolidation.
- d. Certificate by the competent Secretary of the Court of First Instance as to entries made up to the date of issue in the Company Registers (for domestic companies), which must refer to the applicant's corporate changes up to the date on which the application is submitted.
 - e. The Govt. Gazette Incorporated and Limited Liability Company Bulletins in which summaries of the entries under para. (b) above were published.
 - f. Government Gazette (Incorporated and Limited Liability Company Bulletin) certifying payment of the initial share capital and each subsequent equity issue, and if no Government Gazette (Incorporated and Limited Liability Company Bulletin) has been issued, the related announcement of the competent department of the competent Ministry or Authority.
 - g. Profit & Loss accounts and balance sheets for the last three fiscal years, accompanied by the corresponding auditors' reports and audit certificates, and by copies of the Board's reports. In case these are not available for the applicant company, corresponding financial statements of major shareholders.

B. If the applicant is a Societe Anonyme (S.A.):

- a. Statement of the legal representative of the company regarding the organizational and management structure of the applicant and any affiliations with and/or participations in other companies or group of companies in Greece or abroad.
- b. Copies of legitimizing documents with the majority shareholders' data, including individuals, and the number or/and percentage of every shareholder's shares (i.e. shareholders log, Chamber of Commerce certificate). In case the shareholder or shareholders are also legal entities, certificates of the Board's composition, directors' and their seats, which will be certified with an Apostille according to the Hague Convention (5.10.1961), or else must bear the foreign body's signature, ratified by a Greek Consulate Authority or the Greek Foreign Ministry.
- c. The most recent consolidated Articles of Incorporation (or Memorandum and Articles of Association) of the applicant, certified by the competent Authority and the Government Gazette (Incorporated and Limited Liability Company Bulletins) referring to the company's incorporation and any amendment of the Articles of Incorporation.
- d. Government Gazette (Incorporated and Limited Liability Company Bulletin) certifying payment of the initial share capital and each subsequent equity issue.
- e. Profit & Loss accounts and balance sheets for the last three fiscal years, accompanied by the corresponding auditors' reports and audit certificates, and by copies of the Board's reports. In case these are not available for the applicant company, corresponding financial statements of major shareholders.

- f. Certificate (from the last 2 months) from the competent department of the competent Ministry or Prefecture, regarding the non-resolution and non-revocation of the applicant's incorporation.
- 10. Certificate to the effect that the applicant is not bankrupt, has not been placed under compulsory administration and has not been subjected to a settlement process.
- 11. Applicant's tax and insurance clearance certificates, issued up to 30 days before the application's submission.
- 12. Certificates of the applicant company's Board Members', legal representative's and manager's criminal records.

PART 4 – Applicant's business plan

- 13. Brief presentation of the applicant's business plan, related to the application, for the next five years, which will include especially:
 - a. Planning concerning the source of the energy for satisfying the customers' needs, i.e. production, imports, daily market.
 - b. Estimated number of customers per category.
 - c. Annual estimates of costs, revenues from electricity sales and financial programs. Estimates of net annual cash flows for later periods, sufficient to prove the viability of the business plan concerned in the application.
- 14. Planning for meeting costs from the provision of utilities services, where applied.

PART 5 – Affidavits and other accompanying documents

- 15. Affidavit, with the legal representative's certified signature, stating that in case the license is issued, they will comply with the provisions of articles 134 and 141 of Law 4001/2011.
- 16. Affidavit, with the legal representative's certified signature, stating that the applicant certifies that all included data are true.
- 17. Receipt of payment of the corresponding fee, according to article 38 of Law 4001/2011.

18. Affidavit, with the legal representative's signature certified by the competent authority, stating that all the licensee's obligations and dues to the competent Operators in the Greek market have been met.

1. All documentation included into the application file must be submitted also in an electronic form
2. All documentation included into the application file has single numbering and follow the structure presented above, per part and paragraph.

ANNEX 2

Application for the issuance of an Electricity Trading License

Part 1 – Applicant's Information

1. Company's data: Name, Tax Number (VAT number) and Tax Bureau.
2. Address of the company's seat and central offices.
3. Name and full mailing and e-mail address of the person whom the applicant designates as receiver or agent for the receipt only of the documents which are notified to the applicant within the license's issuance procedure.
4. The published Govt.Gazette which states the company's legal representation (designated Board on the date of the application's submission, manager).
5. Information on the company's shares' ownership, which is required to be published according to the regulations of the Athens Stock Exchange.

Part 2 – Activity Data

6. Desired starting date and duration of the license, which may not exceed 20 years.
7. Detailed information on any other license which the applicant company holds, or for which an application for issuance has been submitted or is being submitted, according to the provisions of laws 3468/2006 and 4001/2011, in Greece or in another EU Member State.
8. Detailed information on any other activity, excepting electricity activities, which the applicant exercises.

Part 3 – Documentation on financial viability and organizational structure

9. **A. If the applicant is a Limited Liability Company**
 - a. Manager's statement as to the organizational and management structure of the applicant and any affiliations with and / or participations in other companies or group of companies in Greece or abroad.

- b. Copies of legitimizing documents with the shareholders' data, including individuals, and the number or/and percentage of every shareholder's shares (i.e. shareholders log, Chamber of Commerce certificate). In case the shareholder or shareholders are also legal entities, certificates of the Board's composition, directors and their seats, which will bear an Apostille according to the Hague Convention (5.10.1961), or else must bear the foreign body's signature, certified by a Greek Consulate Authority or the Greek Foreign Ministry.
- c. Copies of the original consolidated Articles of Incorporation and any amendments thereof, certified by the competent Secretary of the Court of First Instance, who will certify the number and date of their registration to the Company Register, or correspondingly certified by the competent authority of the country of consolidation.
- d. Certificate by the competent Secretary of the Court of First Instance as to entries made up to the date of issue in the Company Registers (for domestic companies), which must refer to the applicant's corporate changes up to the date on which the application is submitted.
- e. The Govt. Gazette Incorporated and Limited Liability Company Bulletins in which summaries of the entries under para. (b) above were published.
- f. Government Gazette (Incorporated and Limited Liability Company Bulletin) certifying payment of the initial share capital and each subsequent equity issue, and if no Government Gazette (Incorporated and Limited Liability Company Bulletin) has been issued, the related announcement of the competent department of the competent Ministry or Authority.
- g. Profit & Loss accounts and balance sheets for the last three fiscal years, accompanied by the corresponding auditors' reports and audit certificates, and by copies of the Board's reports. In case these are not available for the applicant company, corresponding financial statements of major shareholders.

B. If the applicant is a Societe Anonyme (S.A.):

- a. Statement of the legal representative of the company regarding the organizational and management structure of the applicant and any affiliations with and/or participations in other companies or group of companies in Greece or abroad.
- b. Copies of legitimizing documents with the majority shareholders' data, including individuals, and the number or/and percentage of every shareholder's shares (i.e. shares register, Chamber of Commerce certificate). In case the shareholder or shareholders are also legal entities, certificates of the Board's composition, directors and their seats, which will bear Apostille according to the Hague Convention (5.10.1961), or else must bear the foreign body's signature, ratified by a Greek Consulate Authority or the Greek Foreign Ministry.
- c. The most recent consolidated Articles of Incorporation (or Memorandum and Articles of Association) of the applicant, certified by the competent Authority and the Government Gazette (Incorporated and Limited Liability

Company Bulletins) referring to the company's incorporation and any amendment of the Articles of Incorporation.

d. Government Gazette (Incorporated and Limited Liability Company Bulletin) certifying payment of the initial share capital and each subsequent equity issue.

e. Profit & Loss accounts and balance sheets for the last three fiscal years, accompanied by the corresponding auditors' reports and audit certificates, and by copies of the Board's reports. In case these are not available for the applicant company, corresponding financial statements of major shareholders.

f. Certificate (from the last 2 months) from the competent department of the competent Ministry or Prefecture, regarding the non-resolution and non-revocation of the applicant's incorporation.

10. Certificate to the effect that the applicant is not bankrupt, has not been placed under compulsory administration and has not been subjected to a settlement process.
11. Applicant's tax and insurance clearance certificates, issued up to 30 days before the application's submission.
12. Certificates of the applicant company's Board Members', legal representative's and manager's criminal records.

PART 5 – Affidavits and other accompanying documents

13. Affidavit, with the legal representative's certified signature, stating that in case the license is issued, they will comply with the provisions of articles 134 and 141 of Law 4001/2011.
 14. Affidavit, with the legal representative's certified signature, stating that the applicant certifies that all included data are true.
 15. Receipt of payment of the corresponding fee, according to article 38 of Law 4001/2011.
 16. Affidavit, with the legal representative's signature certified by the competent authority, stating that all the licensee's obligations and dues to the competent Operators in the Greek market have been met.
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3. All documentation included into the application file must be submitted also in an electronic form
 4. All documentation included into the application file has single numbering and follow the structure presented above, per part and paragraph.

ANNEX 3

Application for the issuance of an Electricity Supply or Trading License according to para.6 of article 134 of Law 4001/2011 (article 18 of the Regulation)

Part 1 – Applicant’s Information

1. Company’s data: Name, Tax Number (VAT number) and Tax Bureau.
2. Address of the company’s seat and central offices.
3. Name and full mailing and e-mail address of the person whom the applicant designates as receiver or agent for the receipt only of the documents which are notified to the applicant within the license’s issuance procedure.
4. The published Govt.Gazette which states the company’s legal representation (designated Board on the date of the application’s submission, manager).
5. Information on the company’s shares’ ownership, which is required to be published according to the regulations of the Athens Stock Exchange.

Part 2 – Activity Data

6. Duration of the license already held and desired commencing date of the applied for license in Greece. Data relating to the number of customers with which the Supply licensee operates and the corresponding power (MW).
7. Detailed information on any other license which the applicant company holds, or for which an application for issuance has been submitted or is being submitted, according to the provisions of laws 3468/2006 and 4001/2011, in Greece or in another EU Member State.

8. Detailed information on any other activity, excepting electricity activities, which the applicant exercises.

Part 3 – Documentation on financial viability and organizational structure

9. Certificate of financial clearance from the corresponding Electricity Transmission System Operator of the EU Member State, stating that the applicant ensures the financially reliable exercise of the activity there, at least during the last three (3) years.
10. Description of the customers' volume or the maximum aftersales demand satisfied from the activity abroad, at least during the last three (3) years.
11. Copies of legitimizing documents with the majority shareholders' data, including individuals, and the number or/and percentage of every shareholder's shares (i.e. shares register, Chamber of Commerce certificate). In case the shareholder or shareholders are also legal entities, certificates of the Board's composition, directors and their seats, which will be certified by an Apostille according to the Hague Convention (5.10.1961), or else must bear the foreign body's signature, ratified by a Greek Consulate Authority or the Greek Foreign Ministry. In case the applicant is an S.A., corresponding documents for the major shareholders.
12. Profit & Loss accounts and balance sheets for the last three fiscal years, accompanied by the corresponding auditors' reports and audit certificates, and by copies of the Board's reports. In case these are not available for the applicant company, corresponding financial statements of major shareholders.
13. Applicant's tax and insurance clearance certificates, issued up to 30 days before the application's submission.
14. Certificates of the applicant company's Board Members', legal representative's and manager's criminal records.

PART 4 – Applicant's business plan

15. In the case of an application for the activity of supply, a brief presentation of the applicant's business plan, related to the application, for the next five years, which will include especially:
 - a. Planning concerning the source of the energy for satisfying the customers' needs, i.e. production, imports, daily market.
 - b. Estimated number of customers per category.
 - c. Annual estimates of costs, revenues from electricity sales and financial programs. Estimates of net annual cash flows for later periods, sufficient to prove the viability of the business plan concerned in the application.

16. In the case of an application for the activity of supply, planning for meeting costs for the provision of utilities services, where applied.

Part 5 – Affidavits and other accompanying documents

17. A copy of the Supply or Trading License issued and a certificate of registration in the Participants' Register of the Electricity Transmission System Operator of the EU Member State, certified by the competent authority.
 18. Affidavit bearing a certified signature, stating that in case the license is issued, it will comply with the requirements of the Network Operation Code and the Electricity Transactions Code, as well as with any regulatory act issued by virtue of the law or rule of law which governs said activity of electricity in Greece.
 19. Affidavit, with the legal representative's certified signature, stating that in case the license is issued, they will comply with the provisions of articles 134 and 141 of Law 4001/2011.
 20. Affidavit, with the legal representative's certified signature, stating that the applicant certifies that all included data are true.
 21. Receipt of payment of the corresponding fee, according to article 38 of Law 4001/2011.
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5. All documentation included into the application file must be submitted also in an electronic form.
 6. All documentation included into the application file has single numbering and follow the structure presented above, per part and paragraph.

ANNEX 4

General terms of the Electricity Supply License

1. Definitions

The words, terms and expressions used in the present license have the meaning assigned to them under Law 4001/2011 and the Licenses Regulation.

2. Obligation of compliance with the legislative and regulative framework

The Licensee must comply with the legislative and regulative framework governing this activity and especially:

- a. Law 4001/2011 and in particular the provisions of articles 48, 55, 56, 57, 134 and 141.
- b. The Licenses Regulation.
- c. The Supply Code which is published by virtue of article 138 of the Law, the Electricity Transactions Code, the Network Operation Code and the Operation Code of Non Connected Islands' Electricity Systems.
- d. The special and general terms of his License, and
- e. Any other regulatory act published by virtue of the Law, which governs the activity of electricity supply.

3. Provision of data – Conduct of audits

The licensee must:

- a. Provide RAE with requested documents or data, in order for it to fulfill its responsibilities.
- b. Assist RAE during audits, after a notification in writing which is published.
- c. Maintain an updated customers' register, including especially the customer's name or brand and the customer's electric features. This register and any amendments therein are notified to RAE and the competent Operators.

4. Accounts keeping

The licensee must comply with the obligations provided in article 141 of Law 4001/2011, as it stands, regarding account keeping, and keep copies of these accounts available to the public, unless these accounts are mandatorily published.

5. Change of the company's control

The License holder shall notify RAE of any change in control affecting his company and any change to the corporate composition, within fifteen (15) days of the realized change, following the procedure of article 13 of the Regulation.

6. Contracts with the System's Operator

The license holder shall conclude with the competent Operator (Network Operator and Non Connected Islands' Operator) the contracts required for the System's and the interconnections' use and comply with the terms of said contracts.

7. Compliance with regulations during the exercising of the activity – Compliance with obligations

1. The holder of the license shall comply with the obligations provided in article 17 of the Licenses Regulation, as well as in the Power Exchange Code especially relating to all his tenders within this Code or the Hellenic Electricity Transmission System Operator Code or the Power Exchange Code of Non Connected Islands.
2. The holder of the license shall exercise his activities in way that does not violate free competition and he shall not abusively exploit his dominance in the market, if such dominance exists.
3. The holder of the license shall:
 - a. Trade with his customers in a transparent and objective way and, during his transactions, without discrimination.
 - b. Keep separate accounts for the imposed costs for the provision of utility services he may be burdened with.
 - c. Submit to RAE at least once a year data concerning the monitoring of the Supply activity, which, among others, concern:
 - aa) customer satisfaction
 - bb) structure of the electricity retail market
 - cc) electricity retail market outcomes
 - d. During exercising his activity, he must provide adequate long-term guarantees for ensuring the availability of electricity production of sufficient power for infusion to Hellenic Electricity Transmission System.
 - e. For all the duration of the license:
 - aa) Maintain the corporate / share capital required by the law.
 - bb) Maintain the suitable organizational and administrative structure to ensure the reliable, wise and prudent exercising of the supply activity.
 - cc) Maintain the necessary financial viability and solvency.

- dd) Notify on every change to the company's share capital.
- ee) Meet all his obligations to the competent Operators.

8. Fees

The holder of the license shall pay all dues provided by the standing legislation.

9. Validity period of the license

This license has a duration of (.....) years. The duration of the license may be extended according to article 11 of this Regulation.

10. Revocation of the license

RAE may revoke this license according to the law and to article 16 of the Licenses Regulation.

ANNEX 5

General terms of the Electricity Trading License

1. Definitions

The words, terms and expressions used in the present license have the meaning assigned to them under Law 4001/2011 and the Licenses Regulation.

2. Obligation of compliance with the legislative and regulative framework

The Licensee must comply with the legislative and regulative framework governing this activity and especially:

- a. Law 4001/2011 and in particular the provisions of article 134 and the regulative acts published by virtue of this article.
- b. The Licenses Regulation.
- c. The Power Exchange Code and the Hellenic Electricity Transmission System Code.
- d. The special and general terms of his License, and
- e. Any other regulatory act published by virtue of the Law 4001/2011, which governs the activity of electricity trading.

3. Provision of data – Conduct of audits

The licensee must:

- a. Provide RAE with requested documents or data, in order for it to fulfill its responsibilities.
- b. Assist RAE during audits, after a notification in writing which is published.

4. Change of the company's control

The License holder shall notify RAE of any change in control affecting his company and any change to the corporate composition, within fifteen (15) days of the realized change, following the procedure of article 13 of the Regulation.

5. Contracts with the System's Operator

The license holder shall conclude with the competent Operator (Network Operator and Non Connected Islands Operator) the contracts required for the System's and the interconnections' use and comply with the terms of said contracts.

6. Compliance with regulations during the exercising of the activity – Compliance with obligations

1. The holder of the license shall comply with the obligations provided in article 17 of the Licenses Regulation, as well as in the Power Exchange Code, especially relating to all his tenders within this Code or the Hellenic Electricity Transmission System Code.
2. The holder of the license shall exercise his activities in way that does not violate free competition and he shall not abusively exploit his dominance in the market, if such dominance exists.
3. For all the duration of the license, the licensee shall:
 - aa) Maintain the corporate / share capital required by the law.
 - bb) Maintain the suitable organizational and administrative structure to ensure the reliable, wise and prudent exercising of the supply activity.
 - cc) Maintain the necessary financial viability and solvency.
 - dd) Notify on every change to the company's share capital.
 - ee) Meet all his obligations to the competent Operators.

7. Fees

The holder of the license shall pay all dues provided by the standing legislation.

8. Validity period of the license

This license has a duration of (.....) years. The duration of the license may be extended for up to 20 years.

9. Revocation of the license

RAE may revoke this license according to the law and to article 16 of the Licenses Regulation.

Article 20

Interim Provisions

The provisions and Annexes of decision Nr. Δ5/Φ1/οικ. 17951/08.12.2000 of the Minister of Development “Licenses Regulation for the Supply and Trading of Electricity (Publication 1)” (Govt.Gazette B’ 1498/08/12/2000), as it stands, are in effect for matters not regulated by the provisions of the present, until the publication of the Second Part of the present Regulation.

Article 21

Commencement of duration

The present Regulation is rendered enforceable upon its publication in the Government Gazette.

Athens 16/10/2012

The Deputy Minister

A.Papageorgiou